



Chairman: David Vaught

Members: Ed Bedore, Ricardo Morales, Larry Ivory, Bill Black

May 15, 2013

Bill Grunloh
Chief Procurement Officer
Illinois Department of Transportation
Executive Ethics Commission
2300 S. Dirksen Pkwy, Room 200
Springfield, Illinois 62764

Re: 50-35 Potential Conflict of Interest, PTB 167, Item 28

Dear Mr. Grunloh,

In accordance with the requirements of Section 50-35 of the Illinois Procurement Code, I have reviewed your request received May 14, 2013 and understand the facts to be as follows:

- 1) The Illinois Department of Transportation has issued a request for a review and comment on potential conflicts of interest disclosed by McDonough-Whitlow, PC.
- 2) The contract pertains to construction related services in various counties.
- 3) McDonough-Whitlow, PC was selected using the QBS process.
- 4) The disclosure form submitted on behalf of McDonough-Whitlow, PC indicates the following:
 - a. Toni McDonough, a holder of stock or ownership/distributable income meeting the statutory requirements, had disclosed her daughter, Christine McDonough, held a graduate assistantship at Eastern Illinois University. This was completed in May 2011.
- 5) The Illinois Department of Transportation confirmed that none of the disclosed individuals were in a position to influence the award of this contract. The Illinois Department of Transportation and CPO Bill Grunloh indicate that it would be in the best interest of the State to approve this conflict of interest due to the using agency's needs and the value of the contract.

Based on the foregoing, you are requesting my review and comment pursuant to the Illinois Procurement Code.

Review and Comment

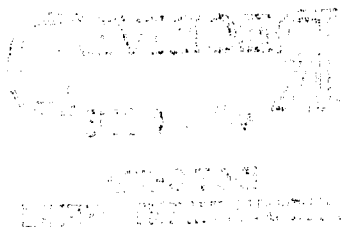
After careful review of the documentation provided, I do not view the relationships disclosed above as creating a conflict of interest sufficient to preclude the Illinois Department of Transportation from entering into a contract with McDonough-Whitlow, PC for the services outlined in your letter received May 14, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Carter". The signature is stylized with loops and a long horizontal stroke at the end.

Aaron Carter
Executive Director

Cc: EEC General Counsel





CHIEF PROCUREMENT OFFICE

Bill Grunloh, Department of Transportation - Highway Construction

May 14, 2013

Procurement Policy Board
222 South College Street, Suite 231
Springfield, IL 62704

RE: Conflict of Interest Disclosure McDonough-Whitlow, P.C. selected by the Consultant Selection Committee for Item 28 from Professional Transportation Bulletin 167.

Mr. Carter:

Included herewith is the potential conflict of interest form for the above mentioned consultant, selected by the Consultant Selection Committee with the Illinois Department of Transportation. This consultant selection was made via Qualification Based Selection pursuant to the evaluation procedure as provided for in 30 ILCS 535/30. The services expected of the consultant with respect to this selection include: Professional land surveying services are required under a blanket agreement for performing route surveys and hydraulic surveys along various routes, in various counties, in District 8. The Consultant's work may include land surveying to establish the existing centerline alignment for projects, land surveying to measure and record all topographic features along specific routes, land surveying to create three dimensional models for highway design projects and land surveying to locate right of way, record research, preparation of and recording of monument records.

The Consultant's work may include staking out the existing centerline alignment, as well as performing horizontal and vertical control surveys for highway design projects. The Consultant's work may also include performing floodplain cross sections, streambed profiles, waterway opening sketches, roadway profiles and other tasks necessary to complete hydraulic reports. The Consultant selected for this project shall be required to process their field data and submit their data in an electronic format while adhering to all IDOT's standards. The Consultant selected for this project shall be required to use IDOT's Point Code Listing while conducting the field survey and shall be required to submit all original field notes upon completion of said surveys.

Toni McDonough, a holder of stock or ownership/distributable income meeting the statutory requirements, has disclosed her daughter held a graduate assistantship at Eastern Illinois University. This was completed in May 2011.

This conflict has been reviewed by our office, and it has been determined that this is not an actual conflict and will not interfere in the execution of this contract.

If you have any questions concerning this request, please contact Carrie Kowalski, Consultant Unit Chief, of the Bureau of Design and Environment, Consultant Services Unit, at either 217-782-6916.

Sincerely,

Gretchen Tucka,
State Purchasing Officer

Enclosures

STATE OF ILLINOIS
PROCUREMENT POLICY BOARD
CONFLICT OF INTEREST REVIEW
CHECKLIST

Please ensure that the following documents are included with your request:

- ☒ Cover letter with overview of the potential Conflict of Interest
- ☒ Conflict of Interest Review Request Form
- ☒ Copy of Proposed Contract*
- ☒ Any Prequalification Information Submitted by the Vendor
- ☒ Prior Procurement Policy Board/Office of the Governor Conflict of Interest Review Letter for this Vendor
- ☒ Copy of the Disclosure/Certification Documents Submitted by the Vendor

*may be the proposed contract sent in with a RFP response, a copy of the solicitation response, etc.

Please scan original documents** with signatures and email to:

aaron.carter@illinois.gov
cc: deanna.rossetto@illinois.gov

If you are unable to scan and email the original signed documents, please send to:

Procurement Policy Board
222 South College Street, Suite 231
Springfield, IL 62704

**If you scan and email the original documents, please do not send the original documents to our office. Please keep the documents in your procurement file.

CONFLICT OF INTEREST REVIEW REQUEST FORM

The following information must be filled in as accurately and completely as possible. This form will be sent to the Procurement Policy Board providing essential information needed to review and determine if an actual conflict of interest exists, which is sufficient to preclude the State from entering into the attached proposed contract pursuant to section 50-35(d) of the Illinois Procurement Code.

CONTRACTING AGENCY INFORMATION

Using Agency: Department of Transportation
Address: 2300 S. Dirksen Parkway City/State: Springfield, IL
Contact Person: Carrie Kowalski Title: Consultant Unit Chief
Phone: 217-782-6916 Fax: 217-524-9357
Email: carrie.kowalski@illinois.gov

VENDOR INFORMATION FOR VENDOR WITH POTENTIAL CONFLICT

This Vendor is: ☒ Prime Vendor ☐ Sub-contractor
Name of Vendor: McDonough-Whitlow, P.C.
Address: 9025 Illinois Rte. 127, P.O. Box A City/State: Taylor Springs, IL 62089
Contact Person: Toni McDonough Title: President
Phone: 217-523-9233 Fax: 217-532-6300
Email: tmcd@mcdonough-whitlow.com
Procurement Bulletin Reference Number: PTB 167-28 Date Posted to Bulletin: 2/7/2013

CONTRACT INFORMATION

Describe the need for this procurement or proposed contract: Professional land surveying services are required under a blanket agreement for performing route surveys and hydraulic surveys along various routes, in various counties, in District 8. The Consultant's work may include land surveying to establish the existing centerline alignment for projects, land surveying to measure and record all topographic features along specific routes, land surveying to create three dimensional models for highway design projects and land surveying to locate right of way, record research, preparation of and recording of monument records. The Consultant's work may include staking out the existing centerline alignment, as well as performing horizontal and vertical control surveys for highway design projects. The Consultant's work may also include performing floodplain cross sections, streambed profiles, waterway opening sketches, roadway profiles and other tasks necessary to complete hydraulic reports. The Consultant selected for this project shall be required to process their field data and submit their data in an electronic format while adhering to all IDOT's standards. The Consultant selected for this project shall be required to use IDOT's Point Code Listing while conducting the field survey and shall be required to submit all original field notes upon completion of said surveys.

Total Contract Amount (Estimate if actual is unknown): \$ 250,000.00

Contract Begin Date: Upon authorization to proceed is received. Contract End Date: 24 months after authorization received.

Describe any Renewal Options (i.e. One 2-year Option): No renewal options.

PROCUREMENT PROCESS

What was the method of procurement used to select this vendor? Qualifications Based Selection

If this vendor was selected using a competitive process, how many vendors responded to the bid? Not Applicable

Were any vendors disqualified? Not Applicable If yes, please explain why.

If a multiple award, how many vendors were awarded a contract? Not A Multiple Award

Were there any instances of low vendor rejections? Not Applicable.

If yes, please explain why.

EXPLANATION OF POTENTIAL CONFLICTS OF INTEREST

For each individual identified as causing a potential conflict of interest, include the following information: name, relationship (if applicable), Agency of State employment, start date, job title and responsibilities. Indicate if any of the named individuals earn more than \$106,447.20 and explain the potential conflict of interest.

Toni McDonough, a holder of stock or ownership/distributable income meeting the statutory requirements, has disclosed her daughter held a graduate assistantship at Eastern Illinois University. This was completed in May 2011.

If a prime vendor, did they disclose their use of lobbyists? ☐ Yes ☒ No

If yes, did the lobbyists lobby on behalf of the vendor to secure this contract? ☐ Yes ☐ No

PROVIDE A WRITTEN STATEMENT SIGNED BY THE AGENCY REPRESENTATIVE FOR YOUR AGENCY STATING:

1. Is the conflict an actual conflict and whether or not any of the above named individual(s) were in a position to influence the State's award of this contract.

No. This had no bearing on the selection of McDonough Whitlow.

2. Why is it in the best interest of the State to proceed with this contract.

This is in the State's interest of producing safe roads and bridges for the motoring public.

AGENCY/UNIVERSITY REPRESENTATIVE SIGNATURE


Agency/University Representative Signature

Carrie Kowalski

Agency/University Representative Printed Name

5/14/2013

Date

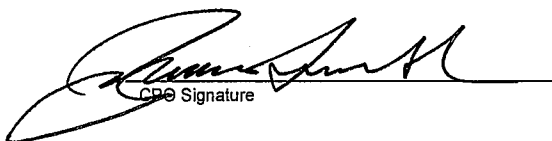
217.782.6916

Agency/University Representative Telephone

carrie.kowalski@illinois.gov

Agency/University Representative Email Address

CPO SIGNATURE REQUIRED


CPO Signature

Bill Grunloh

CPO Printed Name

5/14/2013

Date

217.558.5434

CPO Telephone Number

bill.grunloh@illinois.gov

CPO Email Address